

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BUD LEE and CINDY LUNDMAN,)
as next friend and as natural parents of)
PATRICK LEE, deceased)
Plaintiff,)

Case No. 3:06-0108
Judge Trauger

v.)

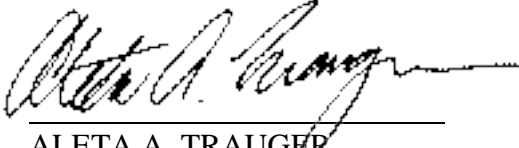
THE METROPOLITAN)
GOVERNMENT OF NASHVILLE)
AND DAVIDSON COUNTY, et al.,)
Defendants.)

ORDER

For the reasons expressed in the accompanying Memorandum, defendant Metropolitan Government of Nashville and Davidson County's ("Metro's") Motion to Dismiss (Docket No. 95) is **GRANTED**, and defendant Ronal Serpas' Motion for Judgment on the Pleadings (Docket No. 107) is **GRANTED** in part and **DENIED** in part. Count six of the amended complaint, as against defendant Metro, is **DISMISSED**, and counts nine, ten, and eleven of the amended complaint, are **DISMISSED** for lack of jurisdiction. In addition, counts six, nine, ten and eleven of the amended complaint as against defendant Serpas are **DISMISSED**. Counts seven and eight of the amended complaint are construed to state a valid claim under 42 U.S.C. § 1983 against both defendant Metro and defendant Serpas.

It is so ordered.

Enter this 21st day of February 2007.



ALETA A. TRAUGER
United States District Judge